

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

VB CHESANING LLC,

Plaintiff,

Case No. 21-cv-12964  
Hon. Matthew F. Leitman

v.

GHS INDUSTRIES, INC., *et al.*,

Defendants.

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**ORDER TERMINATING DEFENDANTS' MOTIONS TO DISMISS  
WITHOUT PREJUDICE AS MOOT (ECF Nos. 17, 18)**

On December 20, 2021, Plaintiff VB Chesaning LLC filed this action against Defendants GHS Industries, Inc., Advanced Bakery Technology, LLC, and Qualex Manufacturing, LLC. (*See* Compl., ECF No. 1.) VB alleged, among other things, that Defendants “retained a deposit for, but failed to deliver and install vital hemp processing equipment despite the parties’ agreed-upon and time-sensitive deadline of September 2021.” (*Id.* at ¶1, PageID.2.) Defendants thereafter moved to dismiss VB’s claims. (*See* Mots., ECF Nos. 17, 18.)

On March 9, 2022, without expressing any view on the merits of the motion to dismiss, the Court entered an order granting VB leave to file a First Amended Complaint in order to remedy the alleged deficiencies in its claims identified by Defendants in their motions to dismiss. (*See* Order, ECF No. 19.) The Court

informed the parties that if VB decided to file a First Amended Complaint, it would terminate Defendants' initially-filed motions to dismiss without prejudice. (*See id.*)

On March 30, 2022, VB filed a First Amended Complaint. (*See* First Am. Compl., ECF No. 22.) Defendants thereafter filed new motions to dismiss directed at that pleading. (*See* Mots., ECF Nos. 23, 24.) Accordingly, because VB has filed a First Amended Complaint, and Defendants have filed new motions to dismiss, the Court **TERMINATES** Defendants' initial motions to dismiss (ECF Nos. 17, 18) **WITHOUT PREJUDICE AS MOOT.**

**IT IS SO ORDERED.**

Dated: May 12, 2022

s/Matthew F. Leitman  
MATTHEW F. LEITMAN  
UNITED STATES DISTRICT JUDGE

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on May 12, 2022, by electronic means and/or ordinary mail.

s/Holly A. Ryan  
Case Manager  
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